

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DONALD FRANGIPANI,

Plaintiff,

- against -

HBO, et al.,

Defendants.

ECF Case

Case No.: 08 CIV 5675 (GBD)

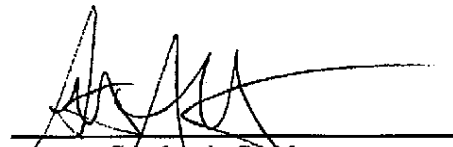
**DECLARATION OF
STEPHANIE S. ABRUTYN**

STEPHANIE S. ABRUTYN declares as follows:

1. I am Vice President and Senior Counsel, Litigation at Home Box Office, Inc. ("HBO"), and I submit this declaration in support of the motion by the HBO Defendants to dismiss the Complaint or for summary judgment.

2. In this action, plaintiff advances a single claim of defamation against the HBO Defendants based on statements made in a report entitled "Forger's Paradise" that appeared on episode 106 of the HBO program, "Real Sports with Bryant Gumbel." A true and correct electronic copy of the challenged report is contained on the DVD annexed hereto as Exhibit 1 for the Court's reference. (The "Forger's Paradise" segment begins approximately one and a half minutes into the material from Episode 106 contained on Exhibit 1.)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Stephanie S. Abrutyn

ABRUTYN EXHIBIT 1: REAL SPORTS EPISODE NO. 106
(Filed with Court)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONALD FRANGIPANI,

Plaintiff,

- against -

HBO; BRYANT GUMBEL; RICK BERNSTEIN;
ROSS GRENBURG; KIRBY BRADLEY; ANDREW
BENNETT; JOE PERSKIE; TRES DRISCOLL;
and ARMEN KETEVIAN; COLLECTORS
UNIVERSE INC., d/b/a PSA/DNA
AUTHENTICATION SERVICES; JAMES SPENCE
AUTHENTICATION; JAMES SPENCE,
individually; RICHARD SIMONE SPORTS;
RICHARD SIMON, individually;

Defendants.

ECF Case

No. 08 Civ. 5675 (GBD)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.
COUNTY OF NEW YORK)

SCOTT BAILEY, being duly sworn, deposes and says as follows:


1. I am a legal assistant with the law firm of Levine Sullivan Koch & Schulz, L.L.P.

I am not a party to this action, am over 18 years of age, and reside in Essex County, New Jersey.

2. On July 16, 2008, I served a true copy of Exhibit 1 to the Declaration of Stephanie

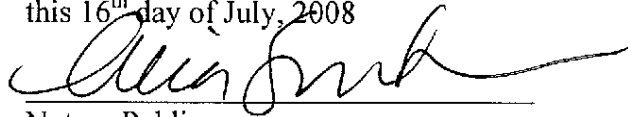
S. Abrutyn by personally hand delivering same to:

Salvatore Strazzullo, Esq.
100 Park Avenue, Suite 1600
New York, NY 10017.



Scott Bailey

Subscribed and sworn to before me
this 16th day of July, 2008



Notary Public

ALIA SMITH
Notary Public, State of New York
No. 02SM6100086
Qualified in New York County
Commission Expires Oct. 14, 2011